

In the Drawings:

The attached sheets of drawings include changes to Figs. 1 and 2. These sheet replace the original sheets containing Figs. 1 and 2. In both Figures, previously omitted descriptive labels have been added.

REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-8, 11, 13-17, and 23-27 are currently active in this case. Claims 1, 2, 5, 8, and 13 have been amended and Claims 23-27 have been added by way of the present amendment. Each new and amended claim is supported by the specification and claims as originally submitted and no new matter has been added.

In the outstanding Official Action, the specification, drawings and Claim 8 were objected to; and Claims 13-17 were rejected under 35 U.S.C. §103(a) over *Kawashima* (U.S. Patent No. 5,444,736) in view of *Federal Standard 1037C, Telecommunications: Glossary of Telecommunication Terms*, <http://www.its.blrdoc.gov/fs-1037/37search.htm> (hereinafter, *Std 1037C*).

Applicants appreciatively acknowledge the allowance of Claims 1-7 and 11 and the identification of allowable subject matter in Claim 8.

Applicants respectfully traverse the rejection of Claim 13 under 35 U.S.C. §103(a) over *Kawashima* in view of *Std 1037C*. Amended Claim 13 recites:

13. *(Currently amended)* A device for locking onto a downstream frequency, comprising:
a radio configured to,
receive a plurality of signals, at least one of said plurality of signals being transmitted on said downstream channel,
lock onto said downstream channel by changing a receiving frequency of the radio by signals from the wireless modem according

to a predetermined frequency plan until the radio is locked onto said downstream channel,

detect a center frequency of said downstream channel,

determine an offset of said downstream frequency compared to a nominal frequency, and

adjust a receiving frequency of the radio so the offset is eliminated.

However, the combined references fail to teach or suggest similar subject matter.

In particular, Applicants respectfully note that the combined references fail to teach or suggest "...*changing a receiving frequency of the radio by signals from the wireless modem according to a predetermined frequency plan until the radio is locked onto the one downstream...*" in the context of a device for locking onto a downstream channel in a plurality of signals and adjusting a frequency of the radio so that offset is eliminated. Accordingly, Applicants respectfully submit that Claim 13 is patentable over the cited references.

Applicants respectfully submit new Claim 23. New Claim 23 recites:

23. (New) A device, comprising:

a wireless modem;

a radio coupled to the wireless modem and configured to receive a plurality of signals at least one corresponding to a downstream signal being transmitted on a downstream frequency;

wherein:

the wireless modem is configured to,

determine if the radio is locked onto the at least one downstream signal received at the radio;

if the radio is locked onto the downstream signal, determine a center frequency of a detected frequency range corresponding to the downstream signal;

if the radio is not locked onto the downstream signal, changing a receiving frequency of the radio by signals from the wireless modem according to a predetermined frequency plan until the radio is locked onto the one downstream;

determine a frequency offset factor, and

transmitting an instruction from the wireless modem to the radio to operate a frequency other than the center frequency, the frequency other than the center frequency being a function of the frequency offset factor and center frequency.

However, the cited references fail to teach or suggest similar subject matter. Accordingly, Applicants respectfully submit that Claim 23 is patentable.

Based on the patentability of independent Claims 1, 13, and 23, Applicants further respectfully submit that dependent Claims 2-8, 11, 14-17, and 24-27 are also patentable.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,
REED SMITH LLP

Dated: 6/8/2005

By:

Name: John W. Carpenter
Registration No. 39,129

Two Embarcadero Center
Suite 2000
PO Box 7936
San Francisco, CA 94120-7936
Direct Dial (415) 659-5927
(415) 543-8700 Telephone
(415) 391-8269 Facsimile